

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AMERICAN PACIFIC MORTGAGE  
CORPORATION; ELEMENT MORTGAGE,  
Plaintiffs,

v.

EVERETT FINANCIAL INC.; LUKE  
WELLING; JANE/JON DOES 1-10; DOE  
BUSINESS/CORPORATE ENTITIES 1-10,  
Defendants.

Case No. 2:21-cv-01088-TMC

ORDER GRANTING JOINT MOTION TO  
WITHDRAW AS ATTORNEY FOR  
DEFENDANT LUKE WELLING

Before the Court is Attorneys F. Matthew Ralph and Marina Lyons's motion to withdraw as attorneys for Defendant Luke Welling. Dkt. 62. Having reviewed the motion, Mr. Welling's response (Dkt. 69), and the attorneys' reply (Dkt. 70), the Court GRANTS the motion.

**I. BACKGROUND**

Counsel filed the motion to withdraw on October 24, 2023, explaining that they had twice notified Mr. Welling of their intent to withdraw and that he did not respond prior to the filing of the motion. *Id.* at 2. Plaintiff American Pacific Mortgage Corp. and Defendant Everett Financial, Inc. dba Supreme Lending do not object to the withdrawal. *See id.* On November 6, 2023,

1 counsel filed Mr. Welling's response to the motion expressing his opposition to their withdrawal  
2 and arguing that Counsel are "connected" with him in his defense of this litigation. Dkt. 69 at 2.  
3 The same day, Counsel filed a reply in support of their motion, alleging that "Defendant Luke  
4 Welling is no longer employed at Defendant Everett Financial, Inc. dba Supreme Lending, and  
5 there is a disagreement as to responsibility for payment of Dorsey & Whitney's legal fees to  
6 continue representing Luke Welling." Dkt. 70 at 2.

## 7 II. DISCUSSION

8 The Local Civil Rules for the Western District of Washington require leave of court for  
9 an attorney to withdraw an appearance if it will leave a party unrepresented. *See* LCR 83.2(b)(1).  
10 District courts in the Ninth Circuit have considered the following factors in assessing motions to  
11 withdraw as counsel: "(1) the reasons why withdrawal is sought; (2) the prejudice withdrawal  
12 may cause to other litigants; (3) the harm withdrawal might cause to the administration of  
13 justice; and (4) the degree to which withdrawal will delay the resolution of the case." *Protingent*,  
14 *Inc. v. Gustafson-Feis*, No. 2:20-cv-01551-TL, 2022 WL 2479124, at \*1 (W.D. Wash. July 6,  
15 2022). "District courts have discretion to approve or deny a motion to withdraw as counsel." *Id.*  
16 at \*1 (citing *McNall v. Pac. Ret. Servs., Inc.*, 859 F. App'x 48, 49 (9th Cir. 2021)). Pursuant to  
17 the local rules of this District, attorneys "will ordinarily be permitted to withdraw until sixty days  
18 before the discovery cut off date in a civil case." LCR 83.2(b)(1).

19 A fee dispute is generally a legitimate reason for withdrawal. *See Protingent*, 2022 WL  
20 2479124, at \*2. Given that the case is in the early stages of litigation and the discovery cutoff  
21 date is May 15, 2024, Dkt. 68, well over 60 days away, withdrawal is unlikely to harm the  
22 administration of justice, unduly prejudice Mr. Welling, or delay resolution of the case. The  
23 other litigants do not object to the withdrawal. The Court therefore finds good reason to grant the  
24 motion. *See* LCR 83.2(b)(1).

**III. CONCLUSION**


Accordingly, the motion to withdraw as attorneys for Defendant Luke Welling, Dkt. 62, is GRANTED. All further pleadings and correspondence should be served upon Defendant Luke Welling at the mailing address provided by his former counsel:

Luke Welling  
2916 Horsehead Bay Dr NW  
Gig Harbor, WA 98335  
(206) 913-8232

If future pleadings and correspondence should be served at a different address, Mr. Welling must inform the Court as soon as possible. The Court encourages Mr. Welling to search for replacement counsel and to consult this District's resources for pro se litigants, available at <https://www.wawd.uscourts.gov/representing-yourself-pro-se>. These resources include information on registering for electronic filing.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing pro se at said party's last known address.

Dated this 20th day of November, 2023.

  
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Tiffany M. Cartwright  
United States District Court Judge